THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.143 OF 2007

DATED: 02-07-2007

BETWEEN

Mohd Moulana Hussain @ Anwar,
S/o. Mohd. Hussain, Occ: Business,
R/o. 8-1-523/266, Brindavan Colony,
Tolichowki, Hyderabad.

...PETITIONER

AND

Inspector of Police,
Bahadurpura Police Station,
Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner submits that his father, Mohd. Hussain was the owner of the premises bearing No.19-2-227/3 and 4 admeasuring 990 sq. yards respectively situated at Bahadurpura, Hyderabad and he died in 1996. He further submits that the said property was inherited to him, three brothers and three sisters and there is a civil dispute pending among the legal heirs of Mohd. Hussain. While the partition suit is pending, the respondents 3 and 4 created a forged agreement said to have been executed by him and his three brothers selling the said property in their favour. He further submits that based on the forged agreement of sale the respondents 3 and 4 filed a suit and obtained injunction against which the petitioner has preferred an appeal, which is pending.

2. Petitioner further submits that with regard to the forged agreement a complaint was filed, based on which, a case in Cr.No.103 of 2004 was

registered by Mir Chowk Police Station and to quash the said crime, the respondents filed W.P.No.18651 of 2004, which was disposed on 06.07.2006 directing the Mir Chowk police to continue the investigation on day-to-day basis. He further submits that pending civil disputes, the police is unnecessarily interfering with the suit schedule property.

3. Counter has been filed stating that apart from the case in Cr.No.103 of 2004 registered against the unofficial respondents;
a case in Cr.No.175 of 2004 under Sections 448 and 506 of the Indian Penal Code, was registered against the petitioner based on a complaint lodged by the third, in which the investigation has been completed and charge sheet has also been filed, which is numbered as C.C.No.155 of 2005 on the file of the II Metropolitan Magistrate, Hyderabad.
It is further stated that based on the complain lodged by the own brother of petitioner a case in Cr.No.6 of 2004 under Sections 420,468, 471 and 506 IPC was registered against the petitioner,
in which, investigation has been completed and charge sheet has been filed, which is numbered as C.C.No.317 of 2004 on the file of the same Court. Thus, there are civil disputes among the parties and cases and counter cases have been filed.

4. The grievance of the petitioner is that, no doubt, civil disputes are pending but the police cannot interfere with the business transactions and the civil disputes of the petitioner. In the counter, filed by the SHO, Bahadurpura, it has been specifically denied that the petitioner was called to the police station at the instance of the unofficial respondents and that they interfered with the civil disputes of the petitioner.

5. If really there is any interference by the first respondent in the civil disputes of the petitioner, it is always open to the petitioner to make a representation before the Commissioner of Police for making necessary enquiry and for taking appropriate action against the erring officials. Without

there being any representation made by the petitioner and in view of the specific denial of the allegations of the petitioner, I am of the opinion that the petitioner is not entitled to any relief in the writ petition.

The writ petition is dismissed with a liberty to the petitioner to make a representation before the Commissioner of Police as and when there is any interference by the concerned Station House Officer with regard to his civil disputes. There shall be no order as to costs.

_____

V. ESWARAIAH, J

July 2, 2007
DSK